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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 THOMAS ALLEN DAVIES,

12 Plaintiff,

13 v.

14 REYNOSO, et al.,

15 Defendants.
16

No. 2:24-CV-0485-DC-DMC-P

FINDINGS AND RECOMMENDATIONS

17 Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to
18 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion entitled "Request for Motion for
19 Discovery and Injunctive Relief." See ECF No. 20.

20 In his one-page motion, Plaintiff states:

21 Plaintiff hereby requests a motion for discovery, to compel CDCR [California
22 Department of Corrections and Rehabilitation] to release inappropriate retaliatory
23 hold of property. Plaintiff contends his property is being withheld to prevent
24 prosecution in said case. Further, Plaintiff is being exposed to toxic chemicals,
25 even here at VSP [Valley State Prison]. C/O's placing them on bedding, clothing,
26 food, drink. Plaintiff suffers from severe symptoms of sickness, internal bleeding,
27 request protection from CDCR prison officials, and immediate release of personal
28 property.

ECF No. 20.

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1 The legal principles applicable to requests for injunctive relief, such as a
2 temporary restraining order or preliminary injunction, are well established. To prevail, the
3 moving party must show that irreparable injury is likely in the absence of an injunction. See
4 Stormans, Inc. v. Selecky, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing Winter v. Natural Res.
5 Def. Council, Inc., 129 S.Ct. 365 (2008)). When a mandatory injunction is sought – one that goes
6 beyond simply maintaining the status quo during litigation – the moving party bears a "doubly
7 demanding" burden and must establish that the law and facts clearly supports injunctive relief.
8 See Garcia v. Google, Inc., 786 F.3d 733, 740 (9th Cir. 2015) (en banc). Mandatory injunctions
9 are "particularly disfavored" and "should not issue in doubtful cases." Id. (internal quotations
10 omitted).

11 To the extent prior Ninth Circuit cases suggest a lesser standard by focusing solely
12 on the possibility of irreparable harm, such cases are "no longer controlling, or even viable."
13 Am. Trucking Ass'ns, Inc. v. City of Los Angeles, 559 F.3d 1046, 1052 (9th Cir. 2009). Under
14 Winter, the proper test requires a party to demonstrate: (1) he is likely to succeed on the merits;
15 (2) he is likely to suffer irreparable harm in the absence of an injunction; (3) the balance of
16 hardships tips in his favor; and (4) an injunction is in the public interest. See Stormans, 586 F.3d
17 at 1127 (citing Winter, 129 S.Ct. at 374). The Ninth Circuit also recognizes an additional
18 standard: "if a plaintiff can only show that there are 'serious questions going to the merits' – a
19 lesser showing than likelihood of success on the merits – then a preliminary injunction may still
20 issue if the 'balance of hardships tips sharply in the plaintiff's favor, and the other two Winter
21 factors are satisfied.'" See Shell Offshore, Inc. v. Greenpeace, Inc., 709 F.3d 1281, 1291 (9th Cir.
22 2013) (quoting Alliance for the Wild Rockies v. Cottress, 632 F.3d 1127, 1135 (9th Cir. 2011)).

23 To prevail on a motion for injunctive relief, "there must be a relationship between
24 the injury claimed in the motion for injunctive relief and the conduct asserted in the underlying
25 complaint." Pac. Radiation Oncology, LLC v. Queen's Medical Ctr., 810 F.3d 631, 636 (9th Cir.
26 2015). Thus, there must be a nexus between the claims raised in the motion and the claims in the
27 underlying complaint itself. See id. This nexus is satisfied where the preliminary injunction
28 would grant "relief of the same character as that which may be granted finally." See id. (quoting

1 De Beers Consol. Mines, 325 U.S. 212, 220 (1945)).

2 The Court cannot issue an order against individuals who are not parties to the
3 action. See Zenith Radio Corp. v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

4 Moreover, if an inmate is seeking injunctive relief with respect to conditions of confinement, the
5 prisoner's transfer to another prison renders the request for injunctive relief moot, unless there is
6 some evidence of an expectation of being transferred back. See Prieser v. Newkirk, 422 U.S.
7 395, 402-03 (1975); Johnson v. Moore, 948 F.3d 517, 519 (9th Cir. 1991) (per curiam). Finally,
8 pursuant to the Prison Litigation Reform Act, any injunction with respect to prison conditions
9 "must be narrowly drawn, extend no further than necessary to correct the harm the court finds
10 requires preliminary relief, and be the least intrusive means necessary to correct that harm." 18
11 U.S.C. § 3626(a)(2); see also Wonnacott v. Heehn, 2021 WL 970453 (D. Oregon 2021).

12 The Court finds that injunctive relief is not available. Plaintiff seeks injunctive
13 relief directed to unnamed prison officials at Valley State Prison. According to Plaintiff, as
14 outlined in the operative second amended complaint, the defendants in this case are prison
15 officials at Mule Creek State Prison, the California Health Care Facility, and/or the R.J. Donovan
16 Correctional Center.¹ As explained above, the Court cannot issue injunctive relief directed to
17 non-parties. Further, to the extent Plaintiff seeks an order directing the return of his property,
18 Plaintiff has not demonstrated the likelihood of irreparable injury absent such an order.

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28 ¹ Plaintiff's misjoinder of disparate claims arising at different institutions will be addressed by separate order.

1 Based on the foregoing, the undersigned recommends that Plaintiff's motion, ECF
2 No. 20, be denied.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
5 after being served with these findings and recommendations, any party may file written objections
6 with the Court. Responses to objections shall be filed within 14 days after service of objections.
7 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
8 Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 Dated: July 3, 2025



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE